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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,301	08/30/2000	Richard W. Friesen	5069	2518

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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,301

Applicant(s)

FRIESEN ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,35-52 and 54-104 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 22,35-52 and 54-104 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This communication is in response to amendment filed 2/7/2005.

Response to Amendment

2. Claims 22, 35 , 37-42, 44, 50-52, 54-56, 59-61, 63-69 have been amended. New claims 103 and 104 have been added. Currently claims 22, 35-52, 54-104 are pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 22, 35-37, 40-52, 54-68, 69-74, 77-104 are rejected under 35 U.S.C. 102(b) as being anticipated by William Wright (Research Report Information Animation Applications in the Capital Markets, IEEE 1995) (Wright).

Per claim 22, Wright discloses a computer based method for displaying information regarding the trading of plurality of goods (abstract). Wright teaches the steps of displaying a plurality of book axes..(each equity's book); displaying a value axis (see baseline), displaying indicators representing order. Wherein the indicators are displayed in locations along the book

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axes corresponding to the value axis (see p. 22 section 6 "Equity Trading Analytics", Figure 2 "3D extension of Figure 1")
Claim 35: indicator represents a bid or an offer ..(see bid or offer).

Claim 36: visually distinguishing indicators..bids from..offers (see Figures 1 etc., offers are above and the bids are below the baseline)

Claim 37: values along the value axis represent prices associated with the goods.. (see baseline).

Claim 40: see analysis of claim 22.

Claim 41: displayed in a single window (see single screen, p.22).

Claim 42 and 43: indicators comprise icons (see Figures of Plates 1-6 and see p.22 graphical icons or glyph).

Claims 44-51: refer to landscape in plates 1-6 and description provided at p. 22-24.

Claims 52: placing an order for one of the plurality of goods (inherent because TSE 300 landscape id connected to live data feed and can display in real time significant portion of the market).

Claims 54-58: see above analysis of the cited reference in particular spread is indicated in Figure 1 and displaying

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enlarged version is disclosed in section 6 as "zoom in any area of interest").

Claim 59: a scale associated with the plurality of book axes is different than a scale of the value axis (refer to Figure 1 and 2 and plates 1-6).

Claim 60: refer to Figure 1, wherein the bids and offers are displayed in correlation with the value axis.

Claim 61 and 62: large number of book axes in a condensed manner (see Figures 1 and 2).

Claim 63: visually highlighting one of the pluralities of book axes based on the condition being met (see p. 22, trade sign for each equity).

Claim 64: indicators are based on data feed..(see p. 22, col. 1 "live data feed").

Claim 65: displaying values along the value axis (see claim 37).

Claims 66-68: limitations each indicator represents an individual order (a plurality of orders) as well as plurality of goods are fungible are inherent to the cited reference since the method of displaying market information of Wright is based on live data feed of TSE 300.

Regarding claim 69-74 and 77-102 and 104 all limitations are disclosed in Wright. Receiving bid and offer for a products

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(equities traded over a stock exchange) are traded with current highest bid and current lowest ask price as explicitly disclosed on p.22. Furthermore, indicators such as bid and ask prices volume, net change, volume at a price, trades at the bid (bid volume), trades at the offer (ask volume), are displayed along common axis as shown in the Figures and illustrations (plates). For further details please refer to the entire reference. Limitations of dependent claims are similarly analyzed as corresponding dependent claims of independent claim 22. Limitations of the New claims 103 and 104 are explicitly indicated by Wright because the information displayed is treated as graphical user interface.

Claim Rejections - 35 USC § 103

4. Claims 38-39 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright as applied to claim 22 (claim 69) above and further in view of Officially taken Notice.

Claims 38-42 Wright does not expressly show that the values along the value axis represent different aspects of trading associated with the plurality of goods (plurality of equities).

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The displaying a value axis in

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relation to the plurality of book axes steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983), *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the values along the value axis a varieties of attributes of the plurality of goods as enumerated in the subject claims because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claims 75-77 are similarly analyzed as per claims 38-42.

Conclusion

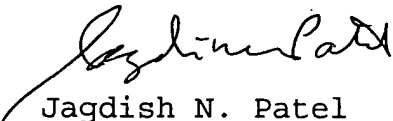
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/18/05